REMARKS

Applicants thank the Patent Office for acknowledging Applicants' claim to foreign priority, and for indicating that the certified copy of the priority document, Japanese Patent Application No. 156603/2000 dated May 26, 2000, has been made of record in the file.

Claims 1-6 have been examined on their merits.

Applicants herein amend claims 1, 2 and 4 to recite that supplier information regarding time is acquired, and the previous recitations regarding quality of service, location and fees have been moved to new dependent claims 7-9. The amendments to claims 1, 2 and 4 were made merely to more accurately claim the present invention and do not narrow the literal scope of the claims and thus do not implicate an estoppel in the application of the doctrine of equivalents. The amendments to claims 1, 2 and 4 were not made for reasons of patentability under 35 U.S.C. §§ 102, 103 and 112. The amendments to claims 1, 2 and 4 do not add any new matters. Entry and consideration of the amendments to claims 1, 2 and 4 is respectfully requested.

As noted above, Applicants herein add new claims 7-9, and new claims 7-9 do not add any new matter. Entry and consideration of the new claims 7-9 is respectfully requested.

Claims 1-9 are all the claims presently pending in the application.

1. Claims 1-6 stand rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Coli *et al.* (U.S. Patent No. 6,018,713). Applicants traverse the rejection of claims 1-6, and insofar as the rejection applies to new claims 7-9, for at least the reasons discussed below.

To support a conclusion that a claimed invention lacks novelty under 35 U.S.C. § 102, a single source must teach all of the elements of a claim. *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1379 (Fed. Cir. 1986). A claim is anticipated only if each and every element as set forth in the claim is found either expressly or inherently in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). A single source must disclose all of the claimed elements arranged as in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). Rejections under 35 U.S.C. § 102 are proper only when the claimed subject matter is identically disclosed or described in the prior art. Thus, the cited reference must clearly and unequivocally disclose every element and limitation of the claimed invention.

Coli *et al.* disclose, *inter alia*, a network-based system that allows medical providers to order medical tests from a variety of medical testing suppliers, monitor the progress of ordered tests, and to receive test results back from a selected medical supplier. *See* Abstract, col. 3, line 1 to col. 8, line 10 of Coli *et al.* The system of Coli *et al.* stores data on medical testing supplier locations, qualifications and costs to perform tests. *See* col. 12, lines 35-38 of Coli *et al.* Finally, Coli *et al.* disclose that a medical provider communicates with a selected medical testing supplier via the network. *See, e.g.*, Fig. 3 of Coli *et al.*

However, Coli *et al.* fail to teach or suggest a step of acquiring a time when a supplier can supply a particular service, as recited in claim 1. In the Non-Final Office Action, the Patent Office cites col. 10, lines 53-61 of Coli *et al.* as allegedly teaching this recitation. However, a fair reading of the cited passage does not support the Patent Office's interpretation. The cited

passage discloses the ordering of a test or the generation of a test report. There is no disclosure of acquiring a time for when a service can be rendered. Furthermore, at col. 12, lines 29-45 of Coli *et al.*, the selection of suppliers (*e.g.*, medical laboratories) is discussed, but there is no disclosure that the time when a supplier can supply a particular service is considered to be a selection criterion.

Based on the foregoing reasons, Applicants submit that Coli *et al.* fail to disclose all of the claimed elements as arranged in claim 1. Therefore, under *Hybritech* and *Richardson*, Coli *et al.* clearly cannot anticipate the present invention as recited in independent claim 1. Thus, Applicants submit that claim 1 is allowable, and further submit that claim 3 and new claim 7 are allowable as well, at least by virtue of their dependency from claim 1. Applicants respectfully request that the Examiner withdraw the § 102(a) rejection of claims 1 and 3.

With respect to independent claim 2, Applicants submit that claim 2 is allowable for at least the same reasons discussed above with respect to Coli *et al.*, in that Coli *et al.* fail to teach or suggest a step of acquiring a time when a supplier can supply a particular service. Therefore, under *Hybritech* and *Richardson*, Applicants submit that claim 2 is allowable, and further submit that claim 3 and new claim 8 are allowable as well, at least by virtue of their dependency from claim 2. Applicants respectfully request that the Patent Office withdraw the § 102(a) rejection of claims 2 and 3.

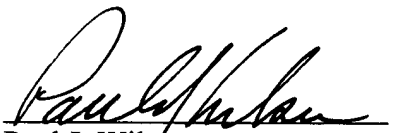
With respect to independent claim 4, Applicants submit that claim 4 is allowable for at least the same reasons discussed above with respect to Coli *et al.*, in that Coli *et al.* fail to teach or suggest a system that acquires a time when a supplier can supply a particular service.

Therefore, under *Hybritech* and *Richardson*, Applicants submit that claim 4 is allowable, and further submit that claim 5 and 6 and new claim 9 are allowable as well, at least by virtue of their dependency from claim 4. Applicants respectfully request that the Patent Office withdraw the § 102(a) rejection of claims 4-6.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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